



**U.S. Department of Justice**

***Michael J. Sullivan***  
*United States Attorney*  
*District of Massachusetts*

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Main Reception: (617) 748-3100

*John Joseph Moakley United States Courthouse*  
*1 Courthouse Way*  
*Suite 9200*  
*Boston, Massachusetts 02210*

February 22, 2005

Richard M. Welsh, Jur.D.  
80 Worcester Street, Suite 5  
North Grafton, MA 01536

Re: United States v. Jason Matthews  
Criminal No. 04-10128-RWZ

Dear Mr. Welsh:

This letter is in response to your two discovery letters dated January 17, 2005. The below numbered paragraphs correspond to the numbered paragraphs in your discovery letter.

1. Pen Registers

The United States will provide this information in a separate letter.

2. Audio-Recordings

The United States declines to provide the defense with the requested information. The United States has provided the defense with access to all audio-recordings made in this case. The requested information may be obtained by reviewing the previously provided reports, and listening to the available audio-tapes. If the United States creates an index containing the information you request, a copy will be provided to each defense attorney.

3. Video-Recordings

The United States declines to provide the defense with the requested information. The United States has provided the defense with access to all video-recordings made in this case. The requested information may be obtained by reviewing the

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previously provided reports, and watching the available video-tapes. If the United States creates an index containing the information you request, a copy will be provided to each defense attorney.

4. Co-Defendants Statements Pertaining to the Defendant

The United States will provide the defense all statements of co-defendants that contain exculpatory information, that are required to be furnished to the defendant pursuant to the Jenks Act, or are subject to disclosure pursuant to applicable case law, the Federal Rules of Evidence, the Federal Rules of Criminal Procedure, or the Local Rules. Such statements will be provided to the defense at the times specified in the Local Rules.

5. Analysis of Drug Exhibit #83

The undersigned will obtain a copy of the request DEA 7 and provide it to the defense.

6. Seized Documents

The defense may inspect all real evidence in the possession of the United States by contacting the undersigned to arrange a date, time, and location.

7. "Bad Act" Evidence

Pursuant to Local Rule 117.1(A)(4)(b), the United States will provide the defense with a general description of any crime, wrong, or act the government proposes to offer pursuant to Fed. R. Evid. 404(b) twenty-one days before trial.

8. Occasions When the Defendant Drove Baldassano

The United States declines to provide the requested information. The United States has complied with its discovery obligations and is not required to review the discovery materials for the defense and provide a synopsis, as requested by the defense.

9. Law Enforcement Notes

The United States declines to provide the requested notes.

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10. & 11. Gloucester Police Reports

The United States will ask the Gloucester Police Department if any reports were generated by their department on the dates you specified. If reports were generated, they will be sent to you separately.

12. Oxycodone Quantity

As specified in the superseding indictment, the United States alleges that the defendant is accountable for a quantity of Oxycodone that when converted to its marijuana equivalent pursuant to the United States Sentencing Guidelines is equivalent to at least 3,000 kilograms of marijuana but less than 10,000 kilograms of marijuana. The United States contends that it was reasonably foreseeable to the defendant that the conspiracy of which he was a member involved 10,000 Oxycodone tablets. Enclosed please find a worksheet explaining the conversion from 10,000 Oxycodone tablets to their marijuana equivalent.

13. Conspiracy Questions

Please review the indictment to determine the approximate date or time period of the charged conspiracy. The voluminous discovery details the defendant's involvement in the conspiracy including his acts.

14. Acts of the Defendant

The United States declines to provide the requested information. Please cite case law or other controlling authority which supports your request.

15. Witness Agreement

The United States will provide the requested information at the appropriate time. At this time, the United States has not determined who will be called as witnesses.

Please let me know if you believe there are any remaining discovery issues.

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Respectfully submitted,

MICHAEL J. SULLIVAN  
United States Attorney

By:

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